

12/11/06



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Gerhard GUMPOLTSBERGER
Serial no.	:	10/517,237
Filed	:	with an effective filing date of July 5, 2003
For	:	MULTI-SPEED GEARBOX
Group Art Unit	:	3681
Examiner	:	Dirk WRIGHT
Docket	:	ZAHFRI P688US

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 43313-1450

**SUBMISSION OF PROPOSED DRAWING AMENDMENTS
FOR APPROVAL BY EXAMINER (37 CFR 1.123)
AND A NEW REPLACEMENT SHEET OF DRAWINGS**

Dear Sir:

Enclosed is a copy of FIG. 2 of the pending drawings with red ink markings showing the proposed changes to the drawing of this application for which the approval of the Examiner is requested. **Also enclosed is a new Replacement Sheet of drawings which incorporates all of the requested drawing amendments.**

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

Scott A. Daniels, Reg. No. 42,462
Customer No. 020210
Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-436-7490
Facsimile 603-436-7499
E-mail: patent@davisandbujold.com



1/1

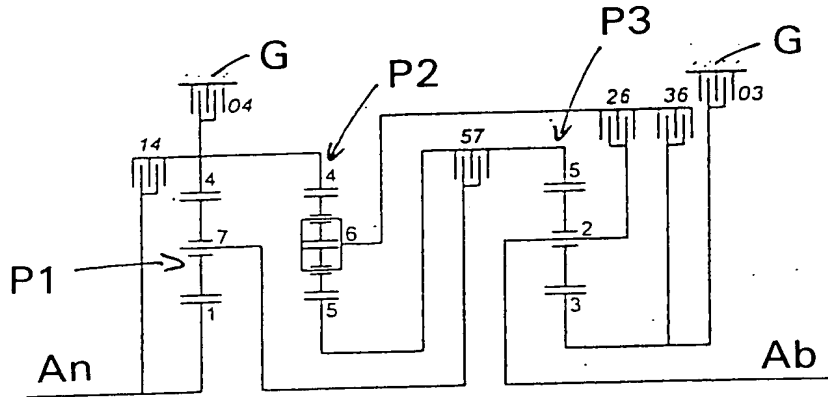


Fig. 1

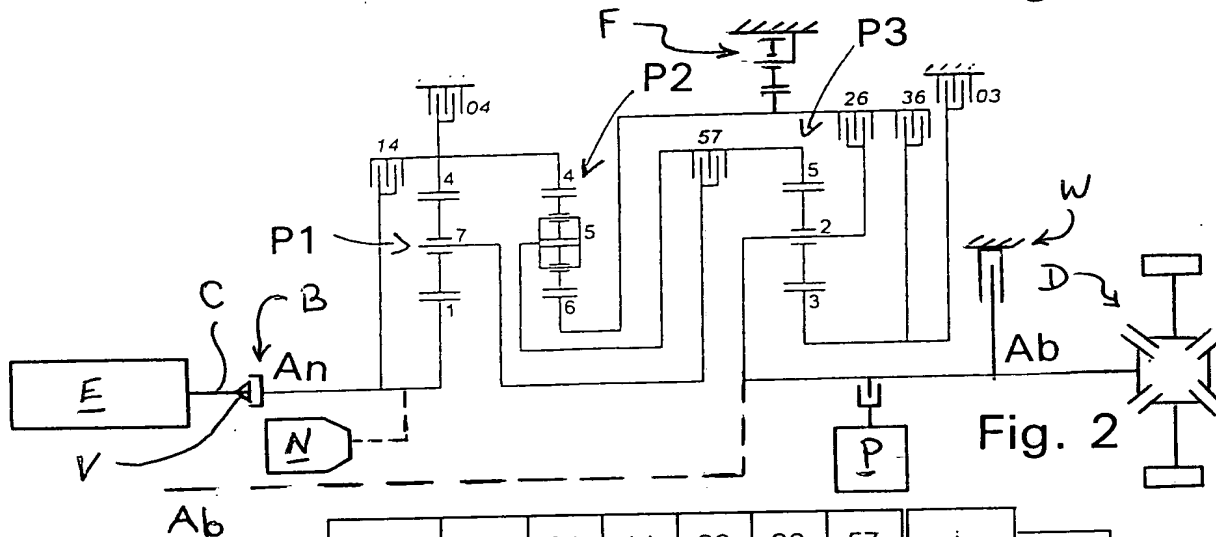


Fig. 2

Gear:	03	04	14	26	36	57	i	ϕ
1		●			●	●	7.49	1.60
2	●	●				●	4.68	1.43
3	●				●	●	3.27	1.59
4	●			●		●	2.05	1.39
5	●		●			●	1.48	1.22
6	●		●	●			1.21	1.21
7			●	●		●	1.00	0.54
R		●		●		●	-4.03	7.49

Fig. 3

as per
12/5/2006

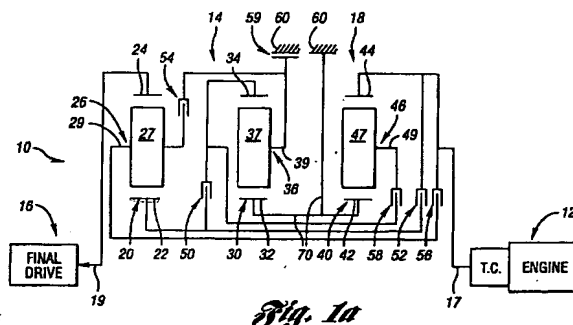
REMARKS

The drawings are amended, per the attached Submission, to overcome a few noted informalities contained therein. A new Replacement Sheet of the formal drawing, accompanies this Submission, incorporating all of the requested drawing amendments. If any further amendment to the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Claims 22-42, are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly rewritten as new claims 43-62, (with the subject matter of claim 26 canceled) and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered new claims are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claim 22, now claim 43 is rejected, under 35 U.S.C. § 102, as being anticipated by Usono '597. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The Applicant first notes that Usono et al. '597 has a particularly different structural arrangement from the presently claimed invention. Specifically, observing FIG. 1a of Usono et al. '597 shown here, the input shaft 17 includes a permanent connection with a ring gear 44 of planetary gear set 4. As explained at column 5, lines 15-16 of Usono et al. '597, "The input shaft 17 is



continuously connected with the ring gear member 44 . . .”. This is an important structural distinction from the present invention which specifically recites in claim 43 the feature, “. . . wherein an input drive comprises the first shaft (1) permanently connected with a sun gear of the first planetary gear set (P1)”. The sun gear member 42 of the planetary gear set 40 in Ursoro et al. `597 is permanently connected *with the housing* 60 of the transmission. In fact, the sun gear 32 of the planetary gear set 30 is also permanently connected with the housing 60 and the sun gear 43 of planetary gear set 20 is connected to the input shaft 17 only through a clutch 52, and therefore cannot be “permanently” nor “continuously” connected with the input shaft as recited in the presently claimed invention.

Additionally, the Applicant’s claim 43 also specifically recites in claim 43, “an output drive comprises the output shaft (2) permanently connected with a sun gear of the third planetary gear set (P3), the set (P1) and a ring gear of the second planetary gear set (P2) . . .”. Again observing FIG. 1a of Ursoro et al. `597 above, the cited reference may arguably disclose a permanent connection through gear 27 with the sun gear 43 of planetary gear set 20. However, none of the further structural connections of the output shaft 19 disclosed in the applied reference are *permanent*, but in fact are subject to the actuation of clutches 54, 56 and 52, respectively.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102 the applied reference must disclose, teach or suggest each and every feature of the presently claimed invention. As shown above, Ursoro et al. `597 fails to disclose any number of specifically claimed features of the present invention and therefore the presently pending claims are believed to be allowable. By way of further explanation, the claimed structure of the present invention is particularly important from the standpoint of lowering the cost of production of the transmission as discussed at paragraph 012 of the Applicant’s specification. Further, the specific arrangement maintains low torque forces throughout the

relatively large ratio spread of the transmission and therefore lower rotational speeds, and forces, on the associated shafts, shifting element and planetary gear sets. This leads to less stress on the components of the transmission and thus less material degradation and tooth loss whereby the transmission component failure is significantly reduced.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation rejection should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Usoro '597 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

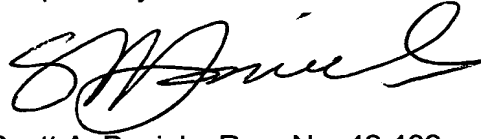
In view of the foregoing, it is respectfully submitted that the raised anticipation rejection should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

10/517,237

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Daniels", written in a cursive style.

Scott A. Daniels, Reg. No. 42,462

Customer No. 020210

Davis & Bujold, P.L.L.C.

112 Pleasant Street

Concord, NH 03301-2931

Telephone 603-436-7490

Facsimile 603-436-7499

E-mail: patent@davisandbujold.com